

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

ARLO MINERALS, et al.,

Plaintiffs,

v.

CIVIL ACTION No. 1:23-00522

DIVERSIFIED PRODUCTION LLC, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is defendants' motion to dismiss plaintiffs' complaint, filed on August 11, 2023. (ECF No. 7). Rather than filing an opposition to the motion to dismiss, plaintiffs filed an amended complaint. "As a general rule, an amended pleading ordinarily supersedes the original and renders it of no legal effect." Young v. City of Mt. Ranier, 238 F.3d 567, 572 (4th Cir. 2001). "Thus, a defendant's previous motion to dismiss is rendered moot when a plaintiff files an amended complaint." Sennott v. Adams, C/A No. 6:13-cv-02813-GRA, 2014 WL 2434745, \*3 (D.S.C. May 29, 2014) (declining to consider defendants' motion to dismiss as applicable to amended complaint "[d]ue to complexity of this case, and because Plaintiff's amendments seek to remedy the defects raised in Defendants' Motion to Dismiss"). Accordingly, the motion to dismiss the original complaint is **DENIED** as moot.\*

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\* Defendants' motion to dismiss the amended complaint, filed on September 15, 2023, remains pending.

Also pending is the parties' joint motion for a stay. (ECF No. 29). In that motion, the parties requested a stay of proceedings in order to allow them to attempt to resolve the matter without court intervention. For good cause shown, the motion to stay is **GRANTED** and, on October 10, 2023, the court continued the deadlines in the scheduling order generally in order to accommodate the parties' settlement endeavors. The parties are hereby **DIRECTED** to file a joint status report with the court no later than January 10, 2024, to update the court on the parties' efforts.

The Clerk is directed to send copies of this Memorandum Opinion and Order to all counsel of record.

**IT IS SO ORDERED** this 14th day of November, 2023.

ENTER:



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David A. Faber  
Senior United States District Judge